IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

MICHAEL T. DREHER, Individually and on behalf of a class of similarly situated persons,)))
Plaintiff, v.)) Civil Action No. 3:11-CV-00624-JAG
EXPERIAN INFORMATION SOLUTIONS, INC., CARDWORKS, INC., and)))
CARDWORKS SERVICING, LLC, Defendants.)))

<u>DECLARATION OF JOSEPH W. CLARK</u> IN SUPPORT OF DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT

I, Joseph W. Clark, hereby declare as follows:

- 1. I am a partner in the law firm of Jones Day, the law firm representing Defendant Experian Information Solutions, Inc. ("Experian"). I have personal knowledge of the facts stated herein and, if called to testify, would competently testify thereto.
- 2. Attached hereto as **Exhibit A** is a true and correct copy of Report No. MLR-11-002, Material Loss Review of Advanta Bank Corp., Draper, Utah dated October 2010 by the, Federal Deposit Insurance Corporation's Office of Material Loss Reviews *available at* http://www.fdicoig.gov/reports11%5C11-002.pdf.
- 3. Attached hereto as **Exhibit B** is a true and correct copy of the Underwriting Agreement, among Advanta Business Receivables Corp., Advanta Bank Corp., and Deutsche Bank Securities Inc. and Greenwich Capital Markets, Inc. dated October 31, 2007, which was attached as Exhibit 1.1 to Advanta Business Receivables Corp. Form 8-K dated Nov. 8, 2007

available at http://www.sec.gov/Archives/edgar/data/1107920/000089322007003588/w420

06be8vk.htm#003.

4. Attached hereto as **Exhibit** C is a true and correct copy of relevant excerpts and

exhibits of the deposition of Michael Nowell, dated July 26, 2012.

5. Attached hereto as **Exhibit D** is a true and correct copy of relevant excerpts of the

2011 Annual Report of First Data Corporation, (Form 10-K) available at

http://sec.gov/Archives/edgar/data/ 883980/000110465912015609/a12-2328 110k.htm

6. Attached hereto as **Exhibit E** is a true and correct copy of relevant excerpts and

exhibits of the deposition of James Kilka, dated August 24, 2012.

7. Attached hereto as **Exhibit F** is a true and correct copy of relevant excerpts of

Plaintiff's Federal Rule of Civil Procedure 26(a)(1) Disclosures.

8. Attached hereto as **Exhibit G** is a true and correct copy of 40 Years of Experience

with the Fair Credit Reporting Act: An FTC Staff Report with Summary of Interpretations, dated

July 2011, available at http://www.ftc.gov/os/2011/07/110720fcrareport.pdf

I declare under penalty of perjury under the laws of the United States that the foregoing is

true and correct and that this declaration was executed on this 4th day of October, 2012.

Dated: October 5, 2012

/s/ Joseph W. Clark

Joseph W. Clark (VSB No. 42664)

JONES DAY

51 Louisiana Avenue, NW

Washington, DC 20001

Tel: 202.879.3697

Fax: 202.626.1700

jwclark@jonesday.com

Counsel for Defendant Experian Information

Solutions, Inc.

2